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Security Council Committee established pursuant to resolution 1718 (2006)

Letter dated 15 November 2006 from the Acting Permanent Representative of China to the United Nations addressed to the Chairman of the Committee

Pursuant to paragraph 11 of Security Council resolution 1718 (2006), the Permanent Mission of the People's Republic of China to the United Nations has the honour to present the report on the steps that the People's Republic of China has taken with a view to implementing effectively the provisions of paragraph 8 of resolution 1718 (2006) (see annex).

(*Signed*) Liu **Zhenmin**
Ambassador
Acting Permanent Representative to the United Nations

08-21144 (E) 010208

Annex to the letter dated 15 November 2006 from the Acting Permanent Representative of China to the United Nations addressed to the Chairman of the Committee

Report of China on implementation of United Nations Security Council resolution 1718 (2006)

1. China supports Security Council resolution 1718 (2006). This resolution not only embodies firm opposition of the international community to nuclear testing by the Democratic People's Republic of Korea (DPRK), but also reaffirms the commitment of the Security Council to resolve the Korean nuclear issue peacefully through negotiation and dialogue.

As a permanent member of the Security Council, China has always taken a serious attitude towards the implementation of Security Council resolutions and has developed mechanisms and procedures for their effective implementation. Following the adoption of Security Council resolution 1718 (2006), the Ministry of Foreign Affairs, authorized by the State Council, issued a document containing the resolution and related information to all ministries, the governments of all provinces, autonomous regions, municipalities, and the Hong Kong and Macao Special Administrative Regions, requesting them to implement the resolution conscientiously in accordance with Chinese law (see appendix for a list of relevant laws and regulations).

(a) Resolution 1718 (2006) prohibits transfer to the DPRK of seven categories of heavy conventional weapons, and of items included on the nuclear, missile-technology, biological and chemical-areas lists determined by the Security Council Committee (hereafter referred to as the "Committee") established pursuant to resolution 1718 (2006).

China has always attached great importance to the control of conventional weapons and weapons of mass destruction, their means of delivery and related materials, equipment and technology. It has adopted and enforced a number of laws and regulations that together constitute a complete system of export-control regulations covering sensitive items and technologies in the nuclear, biological, chemical and missile categories and all weapons, thus providing adequate legal grounds and mechanisms to ensure non-proliferation. The regulatory scope of these laws and regulations is basically consistent with that outlined in documents S/2006/814, S/2006/815 and S/2006/853.

Building on this foundation, the relevant Ministries of the Chinese Government are implementing the lists of items whose transfer to the DPRK is forbidden under resolution 1718 (2006) or as determined by the Committee, in order to prevent the direct or indirect supply, sale or transfer to the DPRK, from Chinese territory or by Chinese nationals, or using Chinese flag vessels or aircraft, of prohibited items stipulated in paragraph 8 (a) (i) and (ii) of the resolution, as well as to prevent transfer to the DPRK by Chinese nationals or from Chinese territory, or from the DPRK by Chinese nationals or from its territory, any technical training, advice, services or assistance relating to the provision, manufacture, maintenance or use of such items.

(b) Resolution 1718 (2006) decides that all Member States shall, in accordance with their respective legal processes, freeze immediately the funds, other financial assets and economic resources of entities and individuals engaged in or providing support for weapons of mass destruction-related or ballistic missile-related programmes of the DPRK.

Once the Committee passes the list of names of relevant entities and individuals, Chinese financial institutions will undertake a survey. If it is discovered that an entity or individual on the list has assets in China, they will take steps to freeze the funds, financial assets and economic resources on Chinese territory owned or controlled, directly or indirectly, by the persons or entities designated by the Committee or by the Security Council as being engaged in or providing support for, including through other illicit means, DPRK's nuclear-related, other weapons of mass destruction-related and ballistic missile-related programmes, or by persons or entities acting on their behalf or at their direction, and to ensure that any funds, financial assets or economic resources are prevented from being made available by Chinese nationals or by any persons or entities within Chinese territory, to or for the benefit of such persons or entities.

(c) Resolution 1718 (2006) decides that all Member States shall take the necessary steps to prevent the entry into or transit through their territories of persons responsible for DPRK policies in relation to the DPRK's weapons of mass destruction-related and ballistic-missile related programmes, together with their family members.

Once the Committee passes the list, the relevant Ministries of the Chinese Government will include those persons on the list of persons to be denied entry into China, in order to prevent persons responsible for, including through supporting or promoting, DPRK policies in relation to the DPRK's nuclear-related, weapons of mass destruction-related and ballistic-missile related programmes, together with their family members, from entry into or transit through Chinese territory.

2. In accordance with the "one country, two systems" principle, China's central Government is responsible for foreign affairs related to defence of the Hong Kong and Macao Special Administrative Regions, while the two Regions enjoy executive, legislative and independent judicial power, including that of final adjudication. For that reason, the Hong Kong and Macao Special Administrative Regions will draw up their own laws and regulations following the notification of the central Government for the purpose of implementing resolution 1718 (2006).

3. The Chinese Government considers that all countries have the obligation to implement seriously and fully the sanctions measures contained in resolution 1718 (2006), and does not approve of arbitrary interpretation or expansion of those sanctions. It has stressed on several occasions that sanctions are not an end in themselves. Resolution 1718 (2006) is not simply a resolution to impose sanctions on the DPRK, for it also includes many other important elements, such as a call for early resumption of the six-party talks and speedy implementation of the Joint Statement of September 2005, and the reversible nature of provisions of the sanctions. The resolution must be implemented in a comprehensive and balanced manner.

The Chinese Government is committed to de-nuclearization of the Korean Peninsula and to peace and stability on the Peninsula and throughout Northeast

Asia. It has always stood for peaceful resolution of the nuclear issue on the Korean Peninsula by diplomatic means. To this end, it has been making unremitting efforts and succeeded in bringing the six parties to the negotiation table, which led to the consensus on the Joint Statement of September 2005. Despite the nuclear test by the DPRK, a negative development, the policies and position of the Chinese Government described above remain unchanged, China still views the six-party talks as being the realistic path to resolving the relevant issues, and firmly opposes the resort to force. China calls on all parties involved to remain restrained and calm, adopt a prudent and responsible attitude, and work together to push forward the six-party talks and prevent the situation from deteriorating further. China stands ready to continue to work with all parties concerned and to play a constructive role in this regard.

Appendix

Chinese laws and regulations related to the implementation of resolution 1718 (2006)

In the nuclear field:

- Regulations of the People's Republic of China on the Control of Nuclear Export
- Regulations of the People's Republic of China on the Control of Nuclear Dual-Use Items and Related Technologies Export
- Measures on the Administration of, Approval for Transfer and Transit of Nuclear Items (for Trial Implementation)

In the biological field:

- Regulations of the People's Republic of China on Export Control of Dual-Use Biological Agents and Related Equipment and Technologies

In the chemical field:

- Regulations of the People's Republic of China on the Administration of the Controlled Chemicals
- Controlled Chemicals List
- Detailed Rules for the Implementation of the Regulations of the People's Republic of China on the Administration of the Controlled Chemicals
- Measures on Export Control of Certain Chemicals and Related Equipment and Technologies

In the missile field:

- Regulations of the People's Republic of China on Export Control of Missiles and Missile-related Items and Technologies

In the military export field:

- Regulations of the People's Republic of China on the Administration of Arms Export

Sensitive items:

- Measures on the Administration of Export Registration for Sensitive Items and Technologies
- Measures for Administration of Import and Export Licensing of Dual-Use Items and Technologies
- Administrative List for Import and Export Licensing of Dual-Use Items and Technologies

Other related laws and regulations:

- Foreign Trade Law of the People's Republic of China
- Administrative Punishments Law of the People's Republic of China
- Customs Law of the People's Republic of China

- Criminal Law of the People's Republic of China
- Criminal Procedure Law of the People's Republic of China
- Regulations of the People's Republic of China on the Import and Export Control of Technologies
- Regulations of the People's Republic of China on the Import and Export Control of Goods
- Law of the People's Republic of China Concerning the Administration of Tax Collection
- Law of the People's Republic of China on the Entry and Exit of Aliens